

CITY OF ANGELS CITY COUNCIL MINUTES

Tuesday, September 20, 2011

Council Members Present: Jack Lynch (Vice Mayor), Elaine Morris, Stuart Raggio and Roger Neuman

Staff Present: Michael McHatten, Richard Matranga, Vanessa Apodaca, Todd Fordahl, and Mary Kelly

5:30 p.m. CALL TO ORDER

ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9
(one potential case)

6:00 p.m. RECONVENE TO REGULAR CITY COUNCIL MEETING

ACTION TAKEN IN CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9
(one potential case)

Action Taken: No action taken. Direction given to City Attorney

Vice Mayor Lynch asked those present to honor the late Mayor Jack Boeding in a moment of silence.

APPROVAL OF AGENDA

MOTION by Council Member Raggio, seconded by Council Member Neuman and carried 4-0 APPROVING THE AGENDA AS PRESENTED

STAFF UPDATES

Michael McHatten – City Administrator

- Stated that the City has 60 days to fill the Council seat left empty by Mayor Boeding. If no one is appointed within 60 days, a special election will need to be held. He has directed the City Clerk to advertise the vacancy. Interviews and possible appointment will take place at the October 18th City Council Meeting.

Direction: Appointment of Mayor and committee representatives to be placed on the October 4th Council agenda.

COUNCIL UPDATES

Elaine Morris

- Attended Safety Services and CCOG. CCOG is recruiting for 2 public members and 1 alternate. Attended Personnel/Finance where museum items and a closure of Vallecito Road were discussed.

Roger Neuman

- Attended Safety Services where speed limit issues were discussed at Angels Oaks and Stockton Road. Will be reviewing the City Emergency Plan in October.
- Attended the water workshop, ACBA Wayfinding, BLT, and Mayor's services
- Toured UPA

Jack Lynch

- Reflected on water audit meeting the week before with Jack Boeding present. Stated how fragile life is and the good rapport the council had together.
- Attended Personnel/Finance

PUBLIC COMMENTS

George Fry – 308 Elderberry Lane

- Brought tools in to make a point that the trash can downtown in front of the bike racks is still there. He reported that when the bike racks were put in, he made a request to Mayor Boeding and Council Member Neuman that the trash can be removed.
- Reported that three (3) ethic violations regarding Council Members have been mailed to the State Attorney's office.
- Stated he is not moving forward with Vice Mayor Lynch recall effort.

Janet Bailey – 1336 Fairview

- Spoke on the passing of Mayor Boeding and recalled his efforts of putting an additional streetlight on her street to provide better lighting.

John Broeder – 1860 Finnegan Lane

- The odor on Finnegan returned several weeks ago. He spoke with the Public Works foreman who explained that the City was aware of the odor and is working on replacing items relating to the scrubber system. The scrubber company is also working on getting all the problems addressed.

CONSENT AGENDA

MOTION by Council Member Neuman, seconded by Council Member Morris and carried 4-0 **ADOPTING THE CONSENT AGENDA ITEMS AS PRESENTED.**

- a. Minutes of Regular meeting – September 6, 2011
- b. Resolution 11-35 - Accepting work on the Roller Road Improvement project
- c. Resolution 11-36 - support & Adoption of MOA with UPA, UPUD and Murphys Sanitary District

REGULAR MEETING

1. ADMINISTRATIVE CIVIL LIABILITY COMPLAINT

City Administrator, Michael McHatten gave a brief background report on the civil complaint the City received from the Central Valley Regional Water Board (CVRWB). There are three (3) options available to the City to comply with the complaint:

1. Pay the proposed administrative liability (\$125,000) and waive the right to a hearing.
2. Ask that the hearing be postponed to facilitate settlement discussions and waive and/or extend the hearing. Deadline for this option is October 6, 2011
3. Contest the Complaint and hold a hearing before the CVRWB.

McHatten is recommending option #2.

George Fry – 308 Elderberry Lane

Stated that he has stressed the importance of health and safety and voiced his concerns of sewage going into the creek.

Vice Mayor Lynch pointed out that the water spillage is title 22 water, “treated” water that is significantly purer. It is not sewage.

The City Attorney stated for the record that this complaint is an allegation and not fact. The City will appear before the CVRWB and voice their opposition to the allegation.

MOTION by Council Member Morris, seconded by Council Member Raggio and carried 4-0
DIRECTING STAFF TO UTILIZE OPTION #2 AFFORDED THE CITY AND ASK THE CVRWB
THAT THE HEARING BE POSTPONED TO FACILITATE SETTLEMENT DISCUSSION AND
SIGN THE WAIVER FORM ATTACHED WITH THE COMPLAINT.

Meeting was adjourned at 6:30 P.M.

Jack Lynch
Vice Mayor

ATTEST:

Mary Kelly
City Clerk